

# EXHIBIT A

**STATE OF TENNESSEE**  
**CIRCUIT COURT OF HAMBLLEN COUNTY**

WY F. HORNER  
 Plaintiff(s)

CIVIL ACTION

VS.

NO. 18CV125

MIDLAND CREDIT MANAGEMENT INC  
 Defendant(s)

SUMMONS

To the above named defendant(s): Midland Credit Management, Inc  
 c/o REGISTERED AGENT: CORPORATION SVC CO., 2908 POSTON AVE.  
 NASHVILLE 37203

You are hereby summoned and required to serve upon Douglas R Reier  
 plaintiff's attorney, whose address is 818 W. 1ST NORTH ST, MORRISTOWN, TN  
 a true copy of the answer to the complaint which is herewith served upon you, within 30 days after service of 37814  
 this summons upon you, exclusive of the day of service. You will file the original with the Court.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Issued this 27 day of Sept, 2018 @ \_\_\_\_\_ o'clock, \_\_\_\_\_ m.

TERESA WEST, CIRCUIT COURT CLERK

Shanee [Signature] D.C.

(This summons is issued pursuant to Rule 4 of the Tennessee 4 Rules of Civil Procedures.)

**NOTICE****TO THE DEFENDANT(S):**

Tennessee law provides a four thousand dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, **unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list.** Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

Received this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Deputy Sheriff

**RETURN ON SERVICE OF SUMMONS**

I hereby certify and return that on the 22 day of OCTOBER, 2018, I served this summons together with the complaint

as follows: BY MAILING A COPY CERTIFIED RETURN RECEIPT REQUESTED  
TO DEFENDANT'S REGISTERED AGENT: CORPORATION SERVICE CO.  
~~failed to serve this summons within 30 days after its issuance because~~

[Signature]  
 Sheriff-Deputy Sheriff

**NOTICE**

- (1) The original answer shall be filed with the Clerk of the Court simultaneously with service on plaintiff's attorney.
- (2) All original exhibits filed with the answer shall be filed with the Clerk of Court.

**IN THE CIRCUIT COURT FOR HAMBLLEN COUNTY, TENNESSEE**

**RAY F. HORNER,**

**Plaintiff,**

**vs.**

**MIDLAND CREDIT MANAGEMENT, INC.**

**8875 Aero Drive, Suite 200**

**San Diego, CA 92123,**

**Defendant.**

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No.: 18CV125  
**JURY DEMANDED**

TERESA WEST  
CIRCUIT COURT CLERK  
HAMBLLEN COUNTY

SEP 27 2018

BY AL

**COMPLAINT FOR VIOLATION OF THE  
FAIR DEBT COLLECTION PRACTICES ACT**

Ray F. Horner, a citizen and resident of Hamblen County, Tennessee sues Midland Credit Management, Inc. and for cause says:

1. Plaintiff, Ray F. Horner, is a citizen and resident of Hamblen County, Tennessee and resides at 1521 Meadow Lane Circle, Morristown, TN 37813.
2. Defendant, Midland Credit Management, Inc. is a foreign corporation, a collection agency, doing business in the State of Tennessee.
3. Ray F. Horner is a consumer within the meaning of the Consumer Legal Remedies Act.
4. Plaintiff is informed and believes and therefore, alleges that Defendant regularly uses the United States mail in the regular collection of debts owed to another and attempts to collect debts and is a "debt collector" as defined by the Fair Debt Collection Practices Act.
5. Venue for this action is properly in this Court as the acts complained of herein occurred in the county of residence of the Plaintiff.
6. Plaintiff seeks damages for Defendant's unlawful practices, which Plaintiff alleges are as follows:

- a. Defendant has repeatedly through mail and telephone calls continued to contact this Plaintiff with regard to various debts owed by an individual named Ray C. Horner, who is also a Morristown, Tennessee resident.
  - b. Plaintiff has repeatedly advised Defendant, both individually and through counsel, that Plaintiff does not owe the debts which Defendant is attempting to collect.
  - c. Plaintiff's letter advising of same dated December 27, 2013, sent by certified mail, was received by Defendant on December 31, 2013 (copy attached as Exhibit 1).
  - d. Despite being forewarned and forearmed, Defendant has continued to contact, dun, call, harass and solicit this Plaintiff for the debts and obligations of Ray C. Horner.
7. Defendant has violated Plaintiff's Fair Debt Credit Protection Act (FDCPA) rights by its conduct.

**WHEREFORE, PLAINTIFF PRAYS:**

1. That process issue;
2. For compensatory damages of \$100,000.00 and exemplary damages of \$100,000.00 including treble damages;
3. For his reasonable attorney's fees;
4. For such further and other general relief.

**PLAINTIFF DEMANDS A JURY TO TRY THIS CAUSE.**

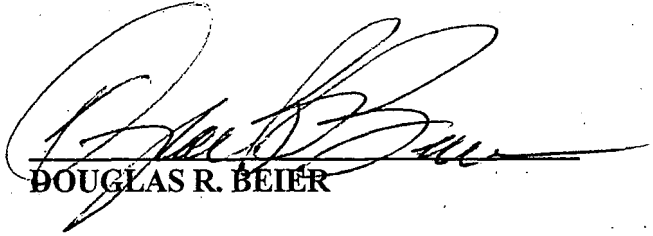
**RAY F. HORNER**

BY. 

**DOUGLAS R. BEIER (BPR 5777)**  
Attorney for Plaintiff/Husband  
818 West First North Street  
Morristown, TN 37814  
(423) 587-2800

**COST BOND**

I secure the costs of this cause.



**DOUGLAS R. BEIER**

EVANS & BEIER, LLP  
ATTORNEYS AT LAW  
818 WEST FIRST NORTH STREET  
POST OFFICE BOX 1754  
MORRISTOWN, TENNESSEE 37816-1754

C. DWAIN EVANS  
DOUGLAS R. BEIER  
MATTHEW B. EVANS

TELEPHONE (423) 587-2800  
FAX (423) 587-2804  
evansbeier@charter.net

December 27, 2013

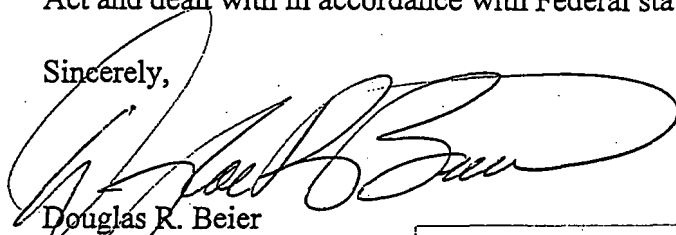
Midland Credit Management, Inc.  
8875 Aero Drive, Suite 200  
San Diego, CA 92123

RE: Your Client: Citibank (SD) N.A./The Home Depot  
Your Client Reference: 8551033672  
My Client: Ray Horner  
Your Letter of December 12, 2013

Please be advised that our office represents Ray Horner. In response to your attempts at collection as referenced in your December 12, 2013 letter addressed to Mr. Horner, Mr. Horner does not owe any such debt or legal obligation. My client was born September 6, 1933 and resides at 1521 Meadow Lane Circle, Morristown. There is another individual in Morristown named Ray Horner and he is your debtor. Please straighten out your records and do not contact my client again. All further collection efforts directed to my client are to cease and desist immediately.

Should you contact him further by letter, dun, phone or otherwise, or take any steps which adversely affect his credit, it will be considered a violation of the Fair Debt Collection Practices Act and dealt with in accordance with Federal statutes. Forewarned is forearmed.

Sincerely,



Douglas R. Beier  
Attorney at Law

DRB/kgs

cc: Ray Horner  
1521 Meadow Lane C  
Morristown, TN 378

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Midland Credit  
Management, Inc.  
8875 Aero Drive, Suite 200  
San Diego, CA 92123

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

R. Horner

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail® ☐ Priority Mail Express™
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7013 1090 0001 8269 5639

EXHIBIT

1

EVANS & BEIER, LLP  
ATTORNEYS AT LAW  
818 WEST FIRST NORTH STREET  
MORRISTOWN, TENNESSEE 37814



7015 1520 0000 3784 3684



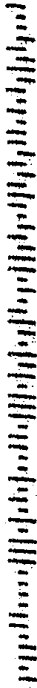
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37203

U.S. POSTAGE PAID  
FCM LETTER  
MORRISTOWN, TN  
37814  
OCT 01, '18  
AMOUNT  
**\$6.91**  
R2305M143565-06

CORPORATION SERVICE COMPANY  
2908 POSTON AVENUE  
NASHVILLE, TN 37203



37203\$1312 C031